

APR 29 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICHARD GUTIERREZ,

Defendant - Appellant.

No. 08-10356

D.C. No. 2:02-cr-00567-RCJ

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Nevada  
Robert Clive Jones, District Judge, Presiding

Submitted April 13, 2009<sup>\*\*</sup>

Before: GRABER, GOULD, and BEA, Circuit Judges.

Richard Gutierrez appeals from the 18-month sentence imposed following revocation of supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Gutierrez contends that the district court erred by failing to provide specific reasons for the sentence imposed and because it is impossible to determine whether the district court relied on impermissible factors in fashioning the sentence. We conclude that the district court gave specific reasons for its sentence and properly considered the permissible sentencing factors from 18 U.S.C. § 3553(a). *See United States v. Carty*, 520 F.3d 984, 995 (9th Cir. 2008) (en banc); *see also United States v. Simtob*, 485 F.3d 1058, 1062-64 (9th Cir. 2007).

**AFFIRMED.**